

EXHIBIT 8

HIGHLY CONFIDENTIAL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GOOGLE LLC,)
PLAINTIFF,)
VS.) Case No.
SONOS, INC.,) 3:20-cv-06754-
DEFENDANT.) WHA

_____)
SONOS, INC.,)
PLAINTIFF,)
VS.) 3:21-CV-07559-
GOOGLE, LLC,) WHA
DEFENDANT.)

_____)

C O N F I D E N T I A L

(THIS TRANSCRIPT HAS BEEN DESIGNATED
HIGHLY CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER)

ZOOM VIDEOTAPED DEPOSITION OF
DAVID NICHOLSON
THURSDAY, APRIL 21, 2022

JOB NO. 5193787

REPORTED BY: D'ANNE MOUNGEY, CSR 7872

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1 DEPOSITION OF DAVID NICHOLSON, TAKEN ON BEHALF OF SONOS AT
2 SAN FRANCISCO, CALIFORNIA, COMMENCING AT 9:04 A.M. ON
3 THURSDAY, APRIL 21, 2022, BEFORE D'ANNE MOUNGEY, CSR 7872.
4

5 APPEARANCES OF COUNSEL:

6
7 FOR SONOS, INC.:

8 LEE SULLIVAN SHEA & SMITH, LLP

9 BY: JAE PAK, ESQ.

10 MICHAEL BOYEA, ESQ.

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15 FOR GOOGLE, LLC:

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17 BY: MARC KAPLAN, ESQ.

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20 SAN FRANCISCO, CALIFORNIA 94111

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21 MARCKAPLAN@QUINNEMANUEL.COM
22

23 ALSO PRESENT:

24 DEMARRON BERKLEY, IN-HOUSE GOOGLE COUNSEL

25 DAVID WEST, VIDEOGRAPHER

1 SAN FRANCISCO, CALIFORNIA

2 THURSDAY, APRIL 21, 2022; 9:04 A.M.

3
4
5 THE VIDEOGRAPHER: Good morning. We're on 09:04:12

6 the record. The time is 9:04 a.m. and the date
7 today is April 21, 2022.

8 Please note the microphones are sensitive
9 and may pick up whispering and private
10 conversations. 09:04:35

11 Audio and video recording will continue to
12 take place unless all parties agree to go off the
13 record.

14 This is media unit 1 of the video recorded
15 deposition of David Nicholson, taken by counsel for 09:04:46
16 Sonos, Inc. in the matter of "Sonos, Inc. Versus
17 Google, LLC and Google, LLC versus Sonos, Inc.,"
18 filed in the United States District Court for the
19 Northern District of California. The case number is
20 3:21-cv-07559-WHA and 3:21-cv06754-WHA. 09:05:03

21 The deposition is being conducted using
22 remote counsel technology and all participants are
23 attending remotely.

24 My name is David West. I am the
25 videographer. The court reporter is D'Anne Moungey. 09:05:24

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1 We represent Veritext Legal Solutions. I'm not
2 related to any party in this action, nor am I
3 financially interested in the outcome.

4 Counsel will now state their appearance and
5 affiliations for the record. If there are any
6 objections to proceeding, please state them at the
7 time of your appearance, beginning with the noticing
8 attorney.

09:05:39

9 MR. PAK: This is Jae Pak from the law firm
10 of Lee Sullivan Shea & Smith representing Sonos,
11 Inc. And today I have with me also Michael Boyea,
12 also from Lee Sullivan Shea & Smith, representing
13 Sonos.

09:05:51

14 MR. KAPLAN: This is Marc Kaplan from Quinn
15 Emanuel Urquhart & Sullivan on behalf of Google and
16 the witness. With me today is Demarron Berkley from
17 Google.

09:06:08

18 THE VIDEOGRAPHER: Thank you.

19 The court reporter may now swear the
20 witness in and we will continue.

09:06:22

21 ///

22 ///

23 ///

24

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09:06:38

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DAVID NICHOLSON,

having been first duly sworn by the reporter,

was examined and testified as follows:

THE VIDEOGRAPHER: Please continue. 09:06:40

EXAMINATION

BY MR. PAK:

Q Mr. Nicholson, could you please state and
spell your name for the record. 09:06:44

A David John Nicholson. It's D-A-V-I-D,
J-O-H-N, N-I-C-H-O-L-S-O-N.

Q What is your current home address?

A [REDACTED]
[REDACTED]. 09:07:14

Q Are you at home right now?

A Yes.

Q Have you been deposed before?

A Nope.

Q Other than a deposition, have you ever 09:07:33
given sworn testimony?

A No.

Q Just so we're on the same page, I'm going
to run through some general procedures for this
deposition. And since this is your first time, I'm 09:07:49

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1 consider containers.

2 BY MR. PAK:

3 Q Okay. So what this -- what's going on in

4 this first arrow, right, is [REDACTED]

5 [REDACTED] 11:19:57

6 [REDACTED]

7 [REDACTED]

8 [REDACTED] is that right?

9 A The diagram here has the [REDACTED]

10 [REDACTED] 11:20:19

11 [REDACTED] I do see bullet point number 2

12 [REDACTED]

13 Q Okay. So you understand that [REDACTED]

14 [REDACTED]

15 [REDACTED] that's described in this 11:20:40

16 document?

17 MR. KAPLAN: Object to form.

18 THE WITNESS: [REDACTED]

19 [REDACTED]

20 [REDACTED] 11:20:59

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED] 11:21:22

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BY MR. PAK:

3

Q Okay. So in the

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11:21:39

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A I can read in this diagram that

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11:22:04

11

Q Do you know if this set playlist message

12

includes what's called a video ID?

13

A I do not know the details of the structure

14

15

Q Do you see in this first arrow, it says,

11:22:20

16

17

video ID and video IDs?

18

A Yes.

19

Q Do you know what a current video ID is?

20

A Yes. So we previously looked at a diagram

11:22:37

21

. I don't

22

recall -- should I find what diagram I'm referring

23

to?

24

Q Are you talking about a diagram that we've

25

seen earlier today?

11:23:03

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1 A Yeah. We discussed a diagram that [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED] 11:23:16

6 [REDACTED]

7 [REDACTED] video IDs.

8 [REDACTED]

9 [REDACTED] current video ID, meaning the

10 [REDACTED] 11:23:34

11 [REDACTED] video IDs [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 Q Okay. How many video IDs [REDACTED]

15 [REDACTED] 11:23:57

16 A That's very dependent on [REDACTED]

17 [REDACTED]

18 Q So in the current implementation, do you

19 know how many video IDs [REDACTED]

20 [REDACTED] 11:24:17

21 A No.

22 Q Do you know the [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 A No. I mentioned before I don't know the 11:24:38

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

MR. PAK: How about I introduce a new

11:24:57

document here. Give me one second.

It's going to be labeled Exhibit 19. And
for the record, it's Bates labeled -- what the Bates
beginning ending in 37243.

(Whereupon, Sonos Exhibit 19 was

11:25:20

marked for identification by the

Court Reporter.)

MR. PAK: Let me know when you have that
open.

THE WITNESS: Yeah, I have it open.

11:25:25

BY MR. PAK:

Q Okay. So do you recognize this document?

A Yes.

Q This is a document that you wrote before?

A I'm not the original author, but I have
contributed to it.

11:25:39

Q Is this document up to date?

A I don't know.

Q Okay. I want to go to page 16 of the
document and there's a header that says, [REDACTED]

11:26:04

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[REDACTED]

Do you see that?

A Yep.

Q Underneath there's a set playlist message.

Do you see that?

11:26:20

A Yep.

Q And under that, [REDACTED]

[REDACTED] video ID,

[REDACTED]

Do you see that?

11:26:36

A Yep.

Q Are these [REDACTED]

[REDACTED]

[REDACTED]

MR. KAPLAN: Objection; asked and answered,
calls for speculation.

11:26:48

THE WITNESS: So, again, I don't know the
full structure of the API. I think this doc is
supposed to give some of the fields. I don't know
if this is supposed to be all of the fields, and
there's examples and a description.

11:27:04

I could read these fields off and I don't
know if this is up to date or if this is the full or
complete API. I don't know.

///

11:27:18

1 BY MR. PAK:

2 Q Is a video ID [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 MR. KAPLAN: Objection; asked and answered.

11:27:30

6 THE WITNESS: Yeah. Again, I can see the

7 video ID [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11:27:45

11 BY MR. PAK:

12 Q How about we go back to Exhibit 18. I want

13 to go back to that sequence diagram on page 4.

14 A I'm there.

15 Q Okay. So after the [REDACTED]

11:28:01

16 [REDACTED]

17 [REDACTED]

18 the document says:

19 [REDACTED]

20 [REDACTED]

11:28:18

21 [REDACTED]

22 [REDACTED]

23 Do you see that?

24 A Yes.

25 Q Do you know what a [REDACTED] is?

11:28:30

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1 MR. KAPLAN: Objection; asked and answered.

2 Go ahead.

3 THE WITNESS: Well, the doc specifically

4 follows it up with the, quote, [REDACTED]

5 [REDACTED] 11:28:42

6 [REDACTED] [REDACTED] for

7 [REDACTED]

8 BY MR. PAK:

9 Q [REDACTED]

10 [REDACTED] 11:29:01

11 A What do you mean by that?

12 Q So where is [REDACTED]

13 [REDACTED]

14 A So the [REDACTED]

15 [REDACTED] 11:29:31

16 [REDACTED] What's not shown in this diagram

17 are the [REDACTED]

18 [REDACTED]

19 But the [REDACTED]

20 [REDACTED] video IDs [REDACTED] 11:29:52

21 [REDACTED].

22 Q What's [REDACTED]

23 A So the [REDACTED]

24 [REDACTED] [REDACTED]

25 [REDACTED] 11:30:19

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1 [REDACTED] That's my
2 understanding of the [REDACTED]

3 [REDACTED]

4 Q Okay. With respect to the [REDACTED]

5 [REDACTED] the document says:

11:30:45

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11:30:59

11 [REDACTED]

12 Do you see that?

13 A I do see that.

14 Q And the TV here, again, can be the Google

15 Home Mini; is that right?

11:31:23

16 A Yes.

17 Q Okay. Then looking at the [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED].

11:31:46

21 Do you see that?

22 A Yes.

23 Q Is this [REDACTED]

24 [REDACTED]

25 [REDACTED]

11:32:09

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1 MR. KAPLAN: Object to form.

2 THE WITNESS: I don't know.

3 BY MR. PAK:

4 Q Okay. With respect to [REDACTED]

5 [REDACTED] 11:32:37

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 MR. KAPLAN: Object to form.

10 THE WITNESS: I'm not an expert in that 11:33:01

11 area. I could read this diagram. It looks like --

12 [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED] 11:33:22

16 [REDACTED]

17 I don't know all the details of what else

18 the TV does.

19 BY MR. PAK:

20 Q Do you know what a [REDACTED] is? 11:33:41

21 A [REDACTED]

22 [REDACTED].

23 Q What is the [REDACTED]

24 A [REDACTED]

25 [REDACTED] [REDACTED] [REDACTED] 11:34:02

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11:34:32

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a video ID

11:34:55

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MR. PAK: I think maybe it will be helpful

13

if we start with like a specific scenario and then

14

revisit this sequence diagram.

15

I want to introduce Exhibit 20 here.

11:35:10

16

(Whereupon, Sonos Exhibit 20 was

17

marked for identification by the

18

Court Reporter.)

19

MR. PAK: It's being uploaded. Let me know

20

when you have that open.

11:35:25

21

THE WITNESS: Yep.

22

BY MR. PAK:

23

Q Okay. Again, I'll represent to you the

24

screenshots that I took from the YouTube Music app

25

using a Pixel 6 phone, and I took them very

11:35:38

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[REDACTED]

[REDACTED]

MR. KAPLAN: Object to form, incomplete
hypothetical, vague.

THE WITNESS: [REDACTED] 12:50:45

[REDACTED]

[REDACTED]

[REDACTED]

BY MR. PAK:

Q Does the receiver have to know what the 12:51:06
next song is?

A Can you clarify the question?

Can you clarify the question?

Q Yeah.

So in this hypothetical where you have 12:51:20
three songs in the expand up next tab, right, the
song in the casting session -- in the casting state,
what information does a receiver need to know in
order to play the currently playing song but also
know that it has to play the next song after that 12:51:45
currently playing song?

MR. KAPLAN: Object to form, calls for
narrative, vague.

THE WITNESS: I'll try to give an answer.

So the Watch Next response is returned to 12:52:04

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1 the receiver will contain video ID, or the currently
2 playing song, somewhere in the response tree. I
3 don't know the intricate details of where in the
4 response tree.

5 [REDACTED] 12:52:27

6 [REDACTED] -- sorry.

7 [REDACTED]

8 [REDACTED] the video ID

9 [REDACTED]

10 [REDACTED] the video ID [REDACTED] 12:52:46

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED] 12:53:16

16 [REDACTED]

17 [REDACTED] [REDACTED]

18 [REDACTED]

19 For the [REDACTED]

20 [REDACTED] I mentioned this before. It's 12:53:31

21 [REDACTED]

22 [REDACTED]

23 [REDACTED] I don't remember the exact name of

24 [REDACTED]

25 video ID [REDACTED] 12:53:54

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1 [REDACTED].

2 And when that happens, [REDACTED]

3 [REDACTED]

4 video ID, [REDACTED]

5 [REDACTED] 12:54:10

6 [REDACTED]

7 [REDACTED]

8 BY MR. PAK:

9 Q Now, does the receiver store the video IDs?

10 A What do you mean by "store the video IDs"? 12:54:30

11 Q Does the receiver store the video IDs

12 locally within memory?

13 MR. KAPLAN: Object to form, vague.

14 THE WITNESS: Yeah. I mean, the

15 responses -- the receiver receives the Watch Next 12:54:49

16 response and that response contains video IDs. I

17 think by definition, those video IDs are somewhere

18 in memory.

19 MR. PAK: I'm going to introduce another

20 doc here. I'll try to find it here. 12:55:13

21 It's going to be Exhibit 22. And for the

22 record, it's Bates labeled Bates number ending in

23 51490.

24 ///

25 ///
12:55:41

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1 STATE OF CALIFORNIA)
2 COUNTY OF LOS ANGELES) ss.
3

4 I, D'Anne Moungey, C.S.R. No. 7872 in and
5 for the State of California, do hereby certify:

6 That prior to being examined, the witness
7 named in the foregoing deposition was by me duly
8 sworn to testify to the truth, the whole truth, and
9 nothing but the truth;

10 That said deposition was taken down by me
11 in shorthand at the time and place therein named and
12 thereafter reduced to typewriting under my
13 direction, and the same is a true, correct, and
14 complete transcript of said proceedings;

15 That if the foregoing pertains to the
16 original transcript of a deposition in a Federal
17 Case, before completion of the proceedings, review
18 of the transcript { } was { } was not required.

19 I further certify that I am not interested
20 in the event of the action.

21 Witness my hand this 26th day of April, 2022
22

23 

24 D'ANNE MOUNGEY, CSR No. 7872

25 For the State of California